

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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DEAN ALLEN COCHRUN,

Petitioner,

vs.

BRENT FLUKE and  
THE ATTORNEY GENERAL OF THE  
STATE OF SOUTH DAKOTA,

Respondents.

CIV-19-4113

ORDER

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Petitioner Dean Allen Cochrun, an inmate at the Mike Durfee State Penitentiary, has applied for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Magistrate Judge issued a Report and Recommendation recommending that the Petition be dismissed for failure to state a claim upon which federal habeas relief may be granted. Petitioner filed objections to the Report and Recommendation.

The Court has conducted a *de novo* review of Petitioner's case before this Court, including Petitioner's various Objections to the Report and Recommendation, and adopts the Report and Recommendation. The short answer to this case is that the state court Order Terminating Petitioner's parental rights to TC has never been appealed; the federal courts in any event have no jurisdiction over a child custody case such as this; and further there is no grant from the Eighth Circuit Court of Appeals for a successive petition. Any of these bases are grounds for dismissing this meritless lawsuit.

In addition, the Court finds that Petitioner has failed to make a substantial showing of the denial of a constitutional right and therefore a certificate of appealability will not issue. Accordingly,

IT IS ORDERED:

1. That the Petitioner's Objections (Doc. 7, 13) are DENIED, and the Magistrate Judge's Report and Recommendation (Doc. 5) is ADOPTED.

2. That Petitioner's Application for Writ of Habeas Corpus (Doc. 1) is DENIED with prejudice.
3. That the Motion for Recusal of Judge Lawrence L. Piersol is denied, no good cause having been shown.
4. That any other randomly raised motions in these pleadings are denied.
5. That Petitioner's Motion for Leave to Appear *In Forma Pauperis*, Doc. 2, Motion to Appoint Counsel, Doc. 9, and Motion for Discovery and Subpoena, Doc. 10, are DENIED as moot.
6. That a Certificate of Appealability shall not issue.

Dated this 25<sup>th</sup> day of November, 2019.

BY THE COURT:



Lawrence L. Piersol  
United States District Judge

ATTEST:  
MATTHEW W. THELEN, CLERK

